

From: kira.dabby@lw.com
To: Eric.Albert@usdoj.gov
Cc: KIRK.WILKINSON@lw.com; michael.mcnulty@usdoj.gov; [Cora, Lori](#); deirdre.donahue@sol.doi.gov; katherine.pease@noaa.gov
Subject: RE: DIL Trust
Date: Thursday, March 26, 2015 11:39:25 AM

Eric,

Thank you for the update, and thanks for offering to speak with us about these issues. Can we have a short call tomorrow morning? Would 11:00 a.m. Eastern work for you?

Kira

Kira S. Dabby

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From: Albert, Eric (ENRD) [<mailto:Eric.Albert@usdoj.gov>]
Sent: Thursday, March 26, 2015 8:43 AM
To: Dabby, Kira (NY)
Cc: Wilkinson, Kirk (LA); McNulty, Michael (ENRD); Cora, Lori; Donahue, Deirdre; Katherine Pease
Subject: RE: DIL Trust

Settlement Confidential
Subject to FRE 408

Hi Kira. Thanks for your email. Sorry we have not been in touch recently.

The Arkema plaintiffs have intervened in our LPA CD proceeding, as have BAE and The Marine Group. Thus far, the Court has stayed any activity on the complaints-in-intervention (meaning, there is no discovery, no pretrial disclosures, and no need for responsive pleadings or motions) pending the filing of either a motion to enter or a notice of withdrawal by the United States (those are our options once we have lodged a consent decree, and until we file either, I cannot disclose what course of action I will recommend to the AAG, who makes the ultimate decision, so please don't read anything into the way I've formulated our options). The Court indicated that, while it may allow discovery once we have filed a motion to enter/withdrawal, the Intervenor will need to seek leave before taking any discovery.

The Intervenor, in particular the Port of Portland, have raised some issues that concern primarily a potential settlement between the United States and DIL Trust. We are evaluating their concerns to determine how best to address them, if at all, which is one reason why we have not gotten back to you yet. We also would like to be sure that the issues the Intervenor has raised that are common to the LPA settlement and a potential settlement with DIL Trust are dealt with by the Court before

moving forward on DIL Trust.

I'm happy to talk to you about this further if you'd like. I'm in tomorrow in the morning and all next week, but out for Spring Break most of the following week.

Eric

From: kira.dabby@lw.com [<mailto:kira.dabby@lw.com>]

Sent: Wednesday, March 25, 2015 9:50 PM

To: Albert, Eric (ENRD)

Cc: KIRK.WILKINSON@lw.com

Subject: RE: DIL Trust

Eric,

I hope you are doing well. I am writing to check the status of our most recent round of edits and to inquire when you think we might receive another draft of the DIL Trust Consent Decree. Also, is there an update on the intervention issue that you mentioned was slowing down progress on the Linnton Plywood CD? Any updates would be appreciated.

Thanks,

Kira

From: Dabby, Kira (NY)

Sent: Monday, February 02, 2015 3:36 PM

To: Albert, Eric (ENRD)

Cc: Wilkinson, Kirk (LA)

Subject: DIL Trust

Eric,

Based on our conversation last week, attached please find redlines from DIL Trust for the Contribution Agreement and the Consent Decree. I accepted all of your changes with which we agree. Remaining in tracked changes are issues that we discussed during our call last week.

Thank you,

Kira

Kira S. Dabby

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